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Attorneys for Plaintiff  
VNUS Medical Technologies, Inc.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

VNUS MEDICAL TECHNOLOGIES, INC.,	)	CASE NO. C08-03129 MMC
	)	
Plaintiff,	)	<b>STIPULATION AND <del>PROPOSED</del></b>
	)	<b>ORDER} FOR VNUS TO FILE SECOND</b>
v.	)	<b>AMENDED COMPLAINT</b>
	)	
BIOLITEC, INC., DORNIER MEDTECH	)	
AMERICA, INC., and NEW STAR LASERS,	)	
INC. d/b/a COOLTOUCH, INC., DAVID S.	)	
CENTANNI, and TYRELL L. SCHIEK	)	
	)	
Defendants.	)	

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Pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, Plaintiff VNUS Medical Technologies, Inc. ("VNUS") and Defendants biolitec, Inc. ("biolitec") and New Star Lasers, Inc. d/b/a CoolTouch, Inc. ("CoolTouch") stipulate as follows:

WHEREAS VNUS filed a complaint against Defendants biolitec, Dornier MedTech America, Inc., CoolTouch, David S. Centanni and Tyrell L. Schiek (collectively "Defendants") in the above-captioned action on June 27, 2008 and filed a First Amended Complaint on July 10, 2008.

WHEREAS VNUS served biolitec and CoolTouch with the First Amended Complaint on July 11, 2008 and July 23, 2008, respectively.

WHEREAS CoolTouch filed an answer and counterclaims against VNUS in response to the First Amended Complaint on August 6, 2008.

WHEREAS pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, VNUS has requested consent from biolitec and CoolTouch—the only Defendants that have been served to date in this action—to file a second amended complaint adding allegations of infringement of U.S Patent No. 7,406,970, which is the recently issued continuation of one of the original patents-in-suit.

NOW THEREFORE, by and through their respective counsel of record, the undersigned parties stipulate that VNUS may file the Second Amended Complaint, attached hereto as Exhibit A and lodged concurrently herewith.

Dated: August 15, 2008

ATTORNEYS FOR PLAINTIFF  
VNUS MEDICAL TECHNOLOGIES, INC.

/s/ Matthew B. Lehr  
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1 Dated: August 15, 2008

ATTORNEYS FOR DEFENDANT  
BIOLITEC, INC.

2  
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11 Dated: August 15, 2008

ATTORNEYS FOR DEFENDANT  
NEW STAR LASERS, INC. d/b/a  
COOLTOUCH, INC.

12 /s/ James W. Geriak  
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21 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

22 Dated: August 18, 2008

23   
24 MAXINE M. CHESNEY  
25 United States District Judge  
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